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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

<i>Attorney Docket No.</i>	F-301
<i>First Inventor</i>	Ralph;
<i>Title</i>	Intervertebral Spacer Device Having a Domed Arch Shaped Spring
<i>Express Mail Label No.</i>	ER005068870US

**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 12]   
*(preferred arrangement set forth below)*
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (*if filed*)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets 3 ]
5. Oath or Declaration [ Total Pages 3 ]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 CFR 1.63 (d))  
*(for continuation/divisional with Box 18 completed)*
- i.  **DELETION OF INVENTOR(S)**  
*Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).*
6.  Application Data Sheet. See 37 CFR 1.76

**ADDRESS TO:** Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

**ACCOMPANYING APPLICATION PARTS**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of *(when there is an assignee)*  Attorney
11.  English Translation Document (*if applicable*)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

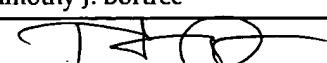
 Continuation    Divisional    Continuation-in-part (CIP)
of prior application No.: 10, 035,640

Prior application information: Examiner \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**19. CORRESPONDENCE ADDRESS**

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	36402 (Insert Customer No. or Attach bar code label here)		<input type="checkbox"/> or <input type="checkbox"/> Correspondence address below
Name			
Address			
City	State	Zip Code	
Country	Telephone		Fax
Name (Print/Typ.)	Timothy J. Bortree	Registration No. (Attorney/Agent)	43,506
Signature			Date 12/1/2003

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# FEE TRANSMITTAL

## for FY 2001

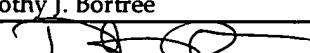
Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 385.00)

## Complete if Known

Application Number	
Filing Date	12/1/2003
First Named Inventor	Ralph;
Examiner Name	
Group Art Unit	
Attorney Docket No.	F-301

METHOD OF PAYMENT				FEE CALCULATION (continued)																																																																																																																																																																																																																													
<p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:</p> <p>Deposit Account Number <b>50-2615</b></p> <p>Deposit Account Name <b>SpineCore</b></p> <p><input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p>				<p><b>3. ADDITIONAL FEES</b></p> <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="4">Fee Description</th> <th>Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105</td><td>130</td><td>205</td><td>65</td><td></td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127</td><td>50</td><td>227</td><td>25</td><td></td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139</td><td>130</td><td>139</td><td>130</td><td></td><td>Non-English specification</td><td></td></tr> <tr><td>147</td><td>2,520</td><td>147</td><td>2,520</td><td></td><td>For filing a request for ex parte reexamination</td><td></td></tr> <tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td></td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113</td><td>1,840*</td><td>113</td><td>1,840*</td><td></td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115</td><td>110</td><td>215</td><td>55</td><td></td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116</td><td>390</td><td>216</td><td>195</td><td></td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117</td><td>890</td><td>217</td><td>445</td><td></td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118</td><td>1,390</td><td>218</td><td>695</td><td></td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128</td><td>1,890</td><td>228</td><td>945</td><td></td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119</td><td>310</td><td>219</td><td>155</td><td></td><td>Notice of Appeal</td><td></td></tr> <tr><td>120</td><td>310</td><td>220</td><td>155</td><td></td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121</td><td>270</td><td>221</td><td>135</td><td></td><td>Request for oral hearing</td><td></td></tr> <tr><td>138</td><td>1,510</td><td>138</td><td>1,510</td><td></td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140</td><td>110</td><td>240</td><td>55</td><td></td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141</td><td>1,240</td><td>241</td><td>620</td><td></td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142</td><td>1,240</td><td>242</td><td>620</td><td></td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143</td><td>440</td><td>243</td><td>220</td><td></td><td>Design issue fee</td><td></td></tr> <tr><td>144</td><td>600</td><td>244</td><td>300</td><td></td><td>Plant issue fee</td><td></td></tr> <tr><td>122</td><td>130</td><td>122</td><td>130</td><td></td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123</td><td>50</td><td>123</td><td>50</td><td></td><td>Processing fee under 37 CFR 1.17(q)</td><td></td></tr> <tr><td>126</td><td>180</td><td>126</td><td>180</td><td></td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>581</td><td>40</td><td>581</td><td>40</td><td></td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146</td><td>710</td><td>246</td><td>355</td><td></td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149</td><td>710</td><td>249</td><td>355</td><td></td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>179</td><td>710</td><td>279</td><td>355</td><td></td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>169</td><td>900</td><td>169</td><td>900</td><td></td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="4">Other fee (specify) _____</td><td colspan="4">SUBTOTAL (3) (\$ 0.00)</td></tr> </tbody> </table>				Large Entity	Small Entity	Fee Description				Fee Paid	Fee Code	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid	105	130	205	65		Surcharge - late filing fee or oath		127	50	227	25		Surcharge - late provisional filing fee or cover sheet		139	130	139	130		Non-English specification		147	2,520	147	2,520		For filing a request for ex parte reexamination		112	920*	112	920*		Requesting publication of SIR prior to Examiner action		113	1,840*	113	1,840*		Requesting publication of SIR after Examiner action		115	110	215	55		Extension for reply within first month		116	390	216	195		Extension for reply within second month		117	890	217	445		Extension for reply within third month		118	1,390	218	695		Extension for reply within fourth month		128	1,890	228	945		Extension for reply within fifth month		119	310	219	155		Notice of Appeal		120	310	220	155		Filing a brief in support of an appeal		121	270	221	135		Request for oral hearing		138	1,510	138	1,510		Petition to institute a public use proceeding		140	110	240	55		Petition to revive - unavoidable		141	1,240	241	620		Petition to revive - unintentional		142	1,240	242	620		Utility issue fee (or reissue)		143	440	243	220		Design issue fee		144	600	244	300		Plant issue fee		122	130	122	130		Petitions to the Commissioner		123	50	123	50		Processing fee under 37 CFR 1.17(q)		126	180	126	180		Submission of Information Disclosure Stmt		581	40	581	40		Recording each patent assignment per property (times number of properties)		146	710	246	355		Filing a submission after final rejection (37 CFR § 1.129(a))		149	710	249	355		For each additional invention to be examined (37 CFR § 1.129(b))		179	710	279	355		Request for Continued Examination (RCE)		169	900	169	900		Request for expedited examination of a design application		Other fee (specify) _____				SUBTOTAL (3) (\$ 0.00)			
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SUBMITTED BY						Complete (if applicable)	
Name (Print/Type)	Timothy J. Bortree	Registration No. (Attorney/Agent)	43,506	Telephone	908-273-6461		
Signature			Date	12/1/2003			

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**CERTIFICATE OF MAILING UNDER 37 CFR 1.8 AND 1.10**

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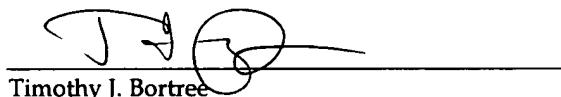
Commissioner for Patents  
Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Express Mail Label Number: ER005068870US

DOCUMENTS INCLUDED:

- Patent Application Transmittal (1 page)
- Fee Transmittal Form (1 page) (in duplicate)
- Specification and Claims (12 pages) (including 2 pages of claims)
- Informal Drawings (3 sheets)
- Oath(s) or Declaration(s) (3 pages)
- Power(s) of Attorney (1 pages)
- Assignment(s) (   pages)
- Recordation Form Cover Sheet (1 page) (in duplicate)
- Statement Under 37 CFR 3.73(b) (1 page)
- Return Receipt Postcard
- Unrecorded Assignment (9 pages)
- 
- 

Signed:



\_\_\_\_\_  
Timothy J. Bortree

Reg. No.

43,506

Date:

12/1/2003

DOCKET NUMBER: F-301

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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant/Patent Owner: James D. Ralph; Stephen Tatar; Joseph P. Errico  
 Application No./Patent No.: \_\_\_\_\_ Filed/Issue Date: 12/1/2003  
 Entitled: Intervertebral Spacer Device Having a Domed Arch Shaped Spring  
SpineCore, Inc., a Delaware corporation,  
 (Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. [ ] An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. [x] A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

Inventors	From: _____ To: _____ SpineCore, LLC
1. From: _____ To: _____ The document was recorded in the United States Patent and Trademark Office at Reel <u>012443</u> , Frame <u>0084</u> , or for which a copy thereof is attached.	
2. From: <u>SpineCore, LLC</u> To: <u>Third Millennium Engineering, LLC</u> The document was recorded in the United States Patent and Trademark Office at Reel <u>012850</u> , Frame <u>0992</u> , or for which a copy thereof is attached.	
3. From: <u>Third Millennium Engineering, LLC</u> To: <u>SpineCore, Inc.</u> The document was recorded in the United States Patent and Trademark Office at Reel <u>attached</u> , Frame <u>attached</u> , or for which a copy thereof is attached.	

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

- [x] Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

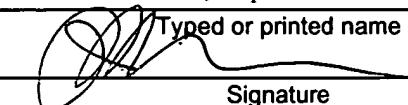
The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/1/2003

Date

Joseph P. Errico,

Type or printed name

Signature

CEO, SpineCore, Inc.

Title

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